

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANKLIN J. PRESKY,

Plaintiff,

vs.

Civil Action No.:
6:21-CV-00162-DNH-DJS

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF SOCIAL SECURITY,

STIPULATION AND ORDER
REGARDING ATTORNEY FEES

Defendant.

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IT IS HEREBY STIPULATED AND AGREED, by and between counsel for Plaintiff, FRANKLIN J. PRESKY, and counsel for Defendant, the COMMISSIONER OF SOCIAL SECURITY, that Plaintiff is awarded (i) the sum of \$8,576.88 (Eight Thousand Five Hundred Seventy Six Dollars and Eighty Eight Cents) in attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, plus (ii) \$402.00 (Four Hundred and Two Dollars) in court costs under 28 U.S.C. § 1920, to be paid from the Judgment Fund administered by the Department Of Justice. Such award is made in full satisfaction of any and all claims for attorney's fees, expenses, and costs in connection with this action.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), these attorney fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor the Plaintiff's assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the

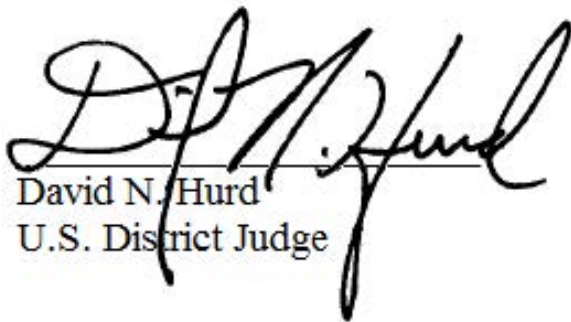
Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to his counsel.

Dated: February 18, 2022

/s/ Charles E. Binder
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and Harry J. Binder, LLC
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/s/ Hugh Dun Rappaport
Hugh Dun Rappaport
Attorney for Defendant
Special Assistant United States Attorney
Social Security Administration
Office of the General Counsel
JFK Federal Building
15 New Sudbury Street, Suite 625
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617-565-2380

IT IS SO ORDERED:


David N. Hurd
U.S. District Judge

Dated: 2-22-2022